



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

ENERGY

IN THE MATTER OF THE PETITION OF ATLANTIC)	ORDER GRANTING MOTION
CITY ELECTRIC COMPANY FOR THE APPROVAL)	TO INTERVENE
OF THE SALE OF CERTAIN LANDS AND)	
PREMISES SITUATED IN THE TOWNSHIP OF)	
MAURICE RIVER, IN PART, AND THE CITY)	
OF MILLVILLE, IN PART, COUNTY OF)	BPU DOCKET NO. EM02050313
CUMBERLAND AND STATE OF NEW JERSEY)	
TO R.W.V. LAND & C.M. LIVESTOCK, LLC,)	
PURSUANT TO N.J.S.A. 48:3-7)	

SERVICE LIST ATTACHED

BY THE BOARD:

The New Jersey Board of Public Utilities ("Board"), pursuant to N.J.S.A. 48:2-1 et seq., has been granted general supervision and regulation of and jurisdiction and control over all public utility systems which operate within the State of New Jersey, including electric companies such as Atlantic City Electric Company ("the Company"). Pursuant to this authority, the within matter was opened to the Board upon the filing of a motion seeking to intervene in this matter by Citizens United to Protect the Maurice River and Its Tributaries, Inc., New Jersey Audubon Society, New Jersey Conservation Foundation and the Association of New Jersey Environmental Commissions ("Environmental Groups").

R.W.V. Land & C.M. Livestock, L.L.C. and Millville 1350, LLC ("Purchasers") have entered into an agreement with the Company to purchase approximately 1,350 acres of land ("Property") currently owned by the Company but allegedly no longer used or useful for utility purposes. This purchase has been subject to significant public interest, and a hearing was held, presided over by Board Commissioner Frederick F. Butler, in Millville, New Jersey on December 1, 2003. At that time, Commissioner Butler set a deadline for public comments of January 15, 2004, and the Environmental Groups submitted comments on both the environmental impacts of the Purchasers' proposed development and the net present value of the sum bid. On March 3, 2004, the Board granted the Purchasers' Motion to Intervene.

The standards governing intervention are set out in N.J.A.C. 1:1-16.3(a). The Board must consider the following: the nature and extent of the movant's interest in the outcome of the case, the likelihood of the movant's inclusion causing additional confusion or undue delay, and whether the movant's interest differs from that of other parties sufficiently to add constructively to the scope of the case. Additionally, as noted in N.J.A.C. 1:1-16.1(a), the interest must be "substantially, specifically and directly affected by the outcome."

Here, the movants' interest in blocking approval of the sale clearly differs sufficiently from that of the Company and the Purchasers to add to the scope of the case. Moreover, by placing the value of the Purchasers' bid in issue with their own economic analysis and eliciting an alternative analysis from the Purchaser, the Environmental Groups have already added constructively to the record. While the exploration of both the economic and environmental issues raised by movants may result in delay, such delay for such a reason cannot be characterized as "undue."

As to the nature and extent of their interest, the Environmental Groups have certified both that they have been involved in ongoing efforts to conserve areas and waterways adjacent to the property in question and that their members use those open spaces for various recreational and educational purposes. While not the traditional financial interests represented at these proceedings, we FIND that this interest is substantial enough to satisfy the criteria of N.J.A.C. 1:1-16.3(a).

Based upon the foregoing, the Board FINDS that Citizens United to Protect the Maurice River and Its Tributaries, Inc., New Jersey Audubon Society, New Jersey Conservation Foundation and the Association of New Jersey Environmental Commissions ("Environmental Groups"), satisfy the requirements of intervention in that movants' have a substantial interest in the outcome of the case and will add measurably and constructively to the scope of the matter. Accordingly, the Board HEREBY GRANTS the motion to intervene presented by Citizens United to Protect the Maurice River and Its Tributaries, Inc., New Jersey Audubon Society, New Jersey Conservation Foundation and the Association of New Jersey Environmental Commissions.

DATED: 3/18/04

BOARD OF PUBLIC UTILITIES
BY:

SIGNED

JEANNE M. FOX
PRESIDENT

SIGNED

FREDERICK F. BUTLER
COMMISSIONER

SIGNED

CAROL J. MURPHY
COMMISSIONER

SIGNED

CONNIE O. HUGHES
COMMISSIONER

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JACK ALTER
COMMISSIONER

ATTEST:

SIGNED
KRISTI IZZO
SECRETARY

**IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR THE
APPROVAL OF THE SALE OF CERTAIN LANDS AND PREMISES SITUATED IN THE
TOWNSHIP OF MAURICE RIVER, IN PART, AND THE CITY OF MILLVILLE, IN PART,
COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY TO R.W.V. LAND & C.M.
LIVESTOCK, LLC, PURSUANT TO N.J.S.A. 48:3-7**

BPU DOCKET NO. EM02050313

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